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9 UNITED STATES DISTRICT COURT

10 DISTRICT OF NEVADA

12 TIARE RAMIREZ, an individual;

13 Plaintiff,

14 vs.

15 WYNN LAS VEGAS, LLC; DOES I
through X; and ROE Corporations XI
16 through XX, inclusive;;

17 Defendant.

Case No. 2:19-cv-01174-APG-DJA

**STIPULATION AND ORDER TO EXTEND
DISCOVERY DEADLINES**

(Fourth Request)

26-3

19 Pursuant to LR IA 6-1, 6-2, and LR ~~26-4~~, Defendant WYNN LAS VEGAS, LLC.
20 (“Defendant”) and Plaintiff TIARE RAMIREZ (“Plaintiff”), by and through their undersigned
21 counsel, hereby stipulate to amend the Discovery Plan and Scheduling Order, (ECF No. 38), by
extending the outstanding discovery deadlines for a period of ninety (90) days.

23 This is the fourth request for an extension to the Discovery Plan and Scheduling Order in this
matter. The requested extension is sought in good faith and not for purposes of undue delay. This
25 request is submitted at least twenty-one (21) days or more before each deadline set forth below.

DISCOVERY COMPLETED TO DATE

27 Both parties have exchanged their initial disclosures required under Fed. R. Civ. P.
28 26(a)(1)(A). Plaintiff served her initial disclosures on September 9, 2019 and her first supplemental

1 disclosures on November 1, 2019. Defendant served its initial disclosures on September 10, 2019 and
 2 its first supplemental disclosures on November 1, 2019. Defendant responded to Plaintiff's first sets
 3 of interrogatories and requests for production of documents on November 1, 2019. Plaintiff responded
 4 to Defendant's first sets of interrogatories and requests for production of documents on November 1,
 5 2019.

6 On December 6, 2019, Defendant issued third-party subpoenas for Plaintiff's employment,
 7 education and medical records. Plaintiff objected to and moved to quash the subpoenas for Plaintiff's
 8 employment and education records (ECF No. 23). Defendant withdrew the subpoenas for Plaintiff's
 9 education records but maintained its request for Plaintiff's employment records from Caesars Palace
 10 and Able Baker Brewing. The parties fully briefed the issue regarding the discoverability of Plaintiff's
 11 employment records and on January 31, 2020, Magistrate Judge Albregts granted in part and denied
 12 in part Plaintiff's Motion to Quash Third-Party Subpoenas (ECF No. 26). Plaintiff subsequently filed
 13 Objections to Magistrate Judge Albregts' Order, which District Judge Gordon affirmed by Order dated
 14 March 3, 2020 (ECF No. 32). Thereafter, Defendant issued amended subpoenas to Caesars Palace and
 15 Able Baker Brewing for Plaintiff's employment records in accordance with District Judge Gordon's
 16 Order. Defendant received a response to its subpoena from Caesars Palace timely but Able Baker
 17 Brewing and treating healthcare provider, D. Ted Cohen responded to the respective subpoenas late.

DISCOVERY THAT REMAINS TO BE COMPLETED

19 Plaintiff anticipates taking the deposition of Defendant Wynn Las Vegas, LLC, pursuant to
 20 Federal Rule of Civil Procedure 30(b)(6). Plaintiff also anticipates taking the depositions of
 21 individuals with knowledge of the facts and circumstances surrounding the allegations in the
 22 Complaint. Such individuals are anticipated to include Jeralynn Makaiwi, Karen Sanchez, Melissa
 23 Espino-Cascos, and Tia Gibson.

24 Defendant anticipates taking the deposition of Plaintiff Tiare Ramirez and perhaps others based
 25 upon the deposition testimony provided.

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1 **REASONS FOR EXTENSION TO COMPLETE DISCOVERY**

2 This extension is necessary and good cause exists for several reasons. The current pandemic
 3 caused delays and difficulties in completing discovery due to employee furloughs and business
 4 closures (including delayed subpoena responses). In addition, a household member of counsel for
 5 Defendant suffering from a chronic health condition suffered a serious decline and recently was
 6 transitioned to a long-term care facility, which caused unpredictability in availability for depositions.

7 Counsel for Plaintiff has also had personal commitments that have delayed such discovery
 8 including Plaintiff Counsel's father being in ICU for over thirty days, transferred to IMU, and now in
 9 a skilled nursing facility. Plaintiff Counsel is assisting his father in his pending legal matters as well.

10 **PROPOSED REVISED DISCOVERY PLAN**

11 1. Discovery Cut-Off Deadline

12 The discovery cut-off deadline shall be extended for ninety (90) days from December 7, 2020
 13 to **Monday, March 8, 2021.**

14 2. Dispositive Motions Deadline

15 The parties shall file dispositive motions thirty (30) days after the extended discovery cut-off
 16 date of March 8, 2021, and therefore, not later than **Wednesday, April 7, 2021.**

17 3. Joint Pretrial Order Deadline

18 If no dispositive motions are filed, and unless otherwise ordered by this Court, the Joint Pretrial
 19 Order shall be filed thirty (30) days after the date set for filing dispositive motions, and therefore, not
 20 later than **Friday, May 7, 2021.** In the event dispositive motions are filed, the date for filing the Joint
 21 Pretrial Order shall be suspended until thirty (30) days after the Court enters a ruling on the dispositive
 22 motions or otherwise by further order of the Court.

23 4. Fed. R. Civ. P. 26(a)(3) Disclosures

24 The pre-trial disclosures deadline shall be extended for ninety (90) days from February 4, 2021
 25 to **Wednesday, May 5, 2021.**

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5. Extensions or Modification of the Discovery Plan and Scheduling Order

26-3

In accordance with Local Rule ~~26~~⁴, any stipulation or motion for modification or extension of this discovery plan and scheduling order must be made at least twenty-one (21) days prior to the expiration of the subject deadline.

6. Trial and Calendar Call

No trial has been set in this matter.

Dated: November 16, 2020

Dated: November 16, 2020

Respectfully submitted,

Respectfully submitted,

/s/ Christian Gabroy, Esq.

**CHRISTIAN GABROY, ESQ.
GABROY LAW OFFICES**

Attorney for Plaintiff
TIARE RAMIREZ

/s/ Wendy M. Krincek, Esq.

WENDY KRINCEK, ESQ.
KELSEY STEGALL, ESQ.
LITTLER MENDELSON, P.C.

Attorneys for Defendant
WYNN LAS VEGAS, LLC

ORDER

Because the parties have stipulated to an extension of the discovery deadline, and for good cause appearing, the Court hereby GRANTS the foregoing Stipulation.

Dated: November 17, 2020

UNITED STATES MAGISTRATE JUDGE

4829-5394-3250.1 067538.1036